

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3144
)	
V.)	
)	
SCOTT C. FITZGERALD,)	MEMORANDUM AND ORDER
)	
Defendant.)	

Defendant's retained counsel, David T. Schroeder, has filed a motion to withdraw. Filing No. [42](#). Upon review of the motion and supporting information, I find the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The motion of counsel for defendant to withdraw, (filing no. [42](#)), is granted, effective upon the entry of appearance of substitute counsel. David T. Schroeder shall promptly serve defendant with a copy of this order.
- 2) The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
- 3) New defense counsel shall promptly enter his or her appearance.

- 4) No later than 10 days after new defense counsel enters his or her appearance, counsel shall advise the undersigned and counsel for the government, in writing, as to whether the case may proceed to sentencing or some other action is required. However, and to be clear, the sentencing hearing previously scheduled has not been continued and will proceed accordingly unless otherwise subsequently ordered.
- 5) My chambers shall bring this matter to my attention on August 3, 2009.

DATED this 15th day of July, 2009.

BY THE COURT:

S/Richard G. Kopf
United States District Judge